

CITY OF HIALEAH
PLANNING AND ZONING BOARD MEETING
March 28th, 2018
Summary Agenda-Minutes

HIALEAH CITY HALL
501 PALM AVENUE-3RD FLOOR

7:00 P.M.
HIALEAH

Call to order.

Invocation and pledge of allegiance

ALL LOBBYISTS MUST REGISTER WITH THE PLANNING AND ZONING BOARD PRIOR TO ITEM BEING HEARD

A MAXIMUM OF 4 SPEAKERS IN FAVOR AND 4 SPEAKERS IN OPPOSITION WILL BE ALLOWED TO ADDRESS THE PLANNING AND ZONING BOARD ON ANY ITEM. EACH SPEAKER'S COMMENTS WILL BE LIMITED TO 3 MINUTES.

1. Roll Call.

Present: Mr. D. Perez, Mr. Tundidor, Mr. Cabrera, Mr. O. Perez,, Mr. Sanchez, Mr. Suarez.

Absent: Mr. Casanova

2. Approval of Planning and Zoning Board Summary Agenda of March 14th, 2018 as submitted.

Motion to Approve: Mr. Suarez; Second: Mr.Tundidor

Motion Approved: 6-0

Item Approved

ADMINISTRATION OF OATH TO ALL APPLICANTS AND ANYONE WHO WILL BE SPEAKING BEFORE THE BOARD ON ANY ITEM.

A WRITTEN DECISION AND RESOLUTION WILL BE PREPARED AND PRESENTED FOR REVIEW TO THE CITY COUNCIL. THE CITY COUNCIL IS AUTHORIZED TO AFFIRM, AFFIRM WITH CONDITIONS, OR OVERRIDE THE DECISIONS BY RESOLUTION. AFTER THE RESOLUTION IS ADOPTED, A MEMBER OF THE PLANNING DIVISION WILL CONTACT THE APPLICANT WHEN A COPY OF THE FINAL DECISION AND RESOLUTION CAN BE PICKED UP. UPON YOUR RECEIPT OF THE FINAL DECISION AND RESOLUTION, CONTACT THE BUILDING DEPARTMENT TO OBTAIN YOUR REQUIRED BUILDING PERMIT. SUMMARY MINUTES, OR A COPY OF THE AUDIO FILE OF THE PROCEEDINGS BEFORE THE PLANNING AND ZONING BOARD, SHALL BE PREPARED AND SUBMITTED TO THE CITY COUNCIL BEFORE ITS HEARING.

THE PLANNING AND ZONING BOARD RECOMMENDATIONS FOR THE FOLLOWING PUBLIC HEARING REQUESTS WILL BE HEARD BY THE CITY COUNCIL, AT ITS SCHEDULED MEETING OF TUESDAY, APRIL 24TH, 2018.

3. **Final Decision** to adjust a distance separation to 10 feet, where 20 feet is the minimum required between an existing 282.55 square feet accessory building and the main residence, allow rear setback of 5.33 feet, where 7.5 feet is the minimum required for the existing accessory building. Property located at 4540 East 8th Court, Hialeah, zoned R-1 (One-Family District).

Applicant: Angel R. Martinez and Felicia Diaz Gomez

Planner's recommendation: Denial

Motion to reconsider the item: Mr. Suarez; Second: Mr. O. Perez

Motion Approved: 4-2 (Mr. O Perez and Mr. D. Perez voted NO)

Motion to Deny: Mr. O. Perez ; Second: Mr. Suarez

Motion Approved: 4-2 (Mr. Cabrera and Mr.Tundidoe voted NO)

Item Denied

4. **Final Decision** to allow the adjustment of an existing interior west side setback to 6.30 feet, where 7 feet is the minimum required. Property located at 651 East 36th Street, Hialeah, zoned R-1 (One-Family District).

Applicant: Janet Rosillo Lopez

Planner's recommendation: Approve with conditions

Motion to Approve: Mr. O. Perez ; Second: Mr. Suarez

Motion Approved: 5-0 (Mr. D. Perez abstained his vote because of conflict of interest)

Item Approved with conditions

THE PLANNING AND ZONING BOARD RECOMMENDATIONS FOR THE FOLLOWING PUBLIC HEARING REQUESTS WILL BE HEARD BY THE CITY COUNCIL, AT ITS SCHEDULED MEETING OF TUESDAY, APRIL 10TH, 2018.

5. **Variance** permit to allow a residential development without a vertical mix of uses; allow 12.5% of the residential units to have floor area of less than 850 square feet, where 10% is the maximum allowed; allow building frontage of 79.1%, where 100% is required at the base of the building; allow base height of 45 feet, where 40 feet is the maximum allowed; allow street side setback of 1.75 feet, where 10 feet are required; allow 50 parking spaces, where 54 parking spaces are required and allow pervious area of 14.2%, where 30 % is the minimum required. Property located at 2160 Palm Avenue, Hialeah, zoned C-2 (Liberal Retail Commercial District), within Area 1 of Neighborhood Business District Overlay.

Applicant: Juan Carlos Rodriguez

Planner's recommendation: Approve with conditions

Motion to Approve: Mr. Tundidor; Second: Mr.Suarez

Motion Approved: 6-0

Item Approved with conditions

6. **ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 98, "ZONING", ARTICLE V, ENTITLED "ZONING DISTRICT REGULATIONS", DIVISION 9 ENTITLED "RO RESIDENTIAL OFFICE DISTRICT", SECTION 98-776, ENTITLED "PURPOSE OF DISTRICT", BY ELIMINATING RESIDENCE AS A USE IN COMBINATION WITH A OFFICES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING**

PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE;
AND PROVIDING FOR AN EFFECTIVE DATE.

Motion to Approve: Mr. Suarez; Second: Mr. Tundidor

Motion Approved: 6-0

Item Approved

MISCELLANEOUS ITEMS NOT REQUIRING ADVERTISING:

7. TENTATIVE PLAT OF BEACON LOGISTICS

Planner's recommendation: Approval

Motion to Approve: Mr. Sanchez; Second: Mr. Suarez

Motion Approved: 6-0

Item Approved

8. Old Business

None

9. New Business.

None

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, PERSONS NEEDING A SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT THE PLANNING DIVISION NO LATER THAN SEVEN DAYS PRIOR TO THE PROCEEDING. TELEPHONE (305) 883-8075 OR (305) 883-8076 FOR ASSISTANCE; IF HEARING IMPAIRED, TELEPHONE THE FLORIDA RELAY SERVICE NUMBERS (800) 955-8771 (TDD) OR (800) 955-8770 (VOICE) FOR ASSISTANCE.

If you decide to appeal any decision made by the board, with respect to any matter considered at the meeting, you will need a record of the proceedings, and you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Perez Diego		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Planning and Zoning Board
MAILING ADDRESS 501 Palm Avenue, Third Floor		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
CITY Hialeah	COUNTY Miami-Dade	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
DATE ON WHICH VOTE OCCURRED March 28, 2018		NAME OF POLITICAL SUBDIVISION: City of Hialeah
		MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Diego Perez, hereby disclose that on March 28, 20 18 :

(a) A measure came or will come before my agency which (check one or more)

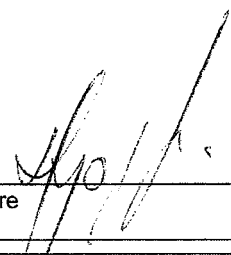
- ☒ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____ ;
- ☐ inured to the special gain or loss of my relative, _____ ;
- ☐ inured to the special gain or loss of _____, by
whom I am retained; or
- ☐ inured to the special gain or loss of _____, which
is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Final Decision to allow the adjustment of an existing interior west side setback to 6.30 feet, where 7 feet is the minimum required. Property located at 651 East 36 Street, Hialeah, zoned R-1 (One-Family District). Applicant: Janet Rosillo Lopez. The applicant is my neighbor and the item inures to my special private gain or otherwise is a possible conflict that appears to inure to my benefit.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

March 29, 2018
Date Filed


Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.